

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL STURGIS,

Petitioner,

v.

CASE NO. 1:07-CV-177

CINDI CURTIN,

HON. ROBERT HOLMES BELL

Respondent.

_____ /

ORDER APPROVING AND ADOPTING THE REPORT
AND RECOMMENDATION

This matter is before the Court on a habeas corpus petition filed under 28 U.S.C. § 2254 by Petitioner Michael Sturgis. On January 11, 2010, Magistrate Judge Ellen S. Carmody issued a report and recommendation (R&R) recommending that the petition be denied. (Dkt. No. 20.) On February 11, 2010, the Court granted Plaintiff an extension of time to file objections to the R&R to March 15, 2010. (Dkt. No. 25.) No objections have been filed. The Court has reviewed the R&R and concludes that it correctly analyzes the issues and makes a sound recommendation.

A district court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c). In *Slack v. McDaniel*, 529 U.S. 473 (2000), the Supreme Court determined that the showing required to satisfy § 2253(c) is whether “reasonable jurists would find the district court’s assessment

of the constitutional claims debatable or wrong.” *Id.* at 484. The Sixth Circuit has disapproved of the issuance of blanket denials of a certificate of appealability. *Murphy v. Ohio*, 263 F.3d 466 (6th Cir. 2001). Rather, the Court must “engage in a reasoned assessment of each claim” to determine whether a certificate is warranted. *Id.* at 467. Each issue must be considered under the standards set forth by the Supreme Court in *Slack*. *Id.* Upon review, the Court has determined that Petitioner cannot make the showing required under *Slack* as to any of his claims for relief.

Accordingly,

IT IS HEREBY ORDERED that the R&R (Dkt. No. 20) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Petitioner’s petition under 28 U.S.C. § 2254 (Dkt. No. 1) is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

Dated: March 30, 2010

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE